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April 11, 2023

Patricia S. Connor
Clerk of Court
U.S. Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, Virginia 23219

Re: *B.P.J., by her next friend and mother; Heather Jackson v. West Virginia State Board of Education, et. al., No. 23-1078*

Dear Ms. Connor:

Pursuant to Federal Rule of Appellate Procedure 28(j) and Local Rule 28(e), Plaintiff-Appellant B.P.J., by and through her next friend and mother, respectfully submits the enclosed order of the United States Supreme Court, dated April 6, 2023, in *West Virginia, et al. v. B.P.J., by her next friend and mother, Heather Jackson*, No. 22A800, 598 U.S. ____ (2023) (attached hereto as Ex. A).

As noted in Plaintiff's opening brief filed on March 27, 2023 (ECF No. 52 at 6, 19), Defendants-Appellees and Intervenors-Appellees filed an emergency application with the Supreme Court seeking vacatur of this Court's interim order granting Plaintiff-Appellant B.P.J.'s Motion for Stay Pending Appeal and enjoining dissolution of the preliminary injunction (ECF No. 50). That application was pending at the time Plaintiff filed her opening brief but has now been resolved. The Supreme Court denied the application, leaving this Court's interim order in place, with two Justices noting their dissent.

Sincerely,

/s/ Kathleen R. Hartnett

Kathleen R. Hartnett